

**STATE OF WASHINGTON
KING COUNTY SUPERIOR COURT**

STATE OF WASHINGTON,

Plaintiff,

v.

KURES 4 KIDS, a/k/a KURZ 4 KIDS,
a/k/a CURES 4 KIDS, f/k/a
KNOWLEDGE 4 KIDS; MICHAEL
W. GANNON; AMY D. GANNON;
the marital community of MICHAEL
W. GANNON and AMY D. GANNON,

Defendants.

NO. 13-2-41293-4SEA

[PROPOSED]

ORDER GRANTING THE STATE'S
MOTION FOR TEMPORARY
RESTRAINING ORDER AND
PRELIMINARY INJUNCTION

This matter, having come before the Court on the State of Washington's Motion for Temporary Restraining Order and Preliminary Injunction, and the Court having heard the arguments, if any, of the parties, and considered the following material:

1. The State of Washington's Motion for Temporary Restraining Order and Preliminary Injunction;
2. The Declaration of MaryBeth Haggerty-Shaw and the exhibits attached thereto;
3. The Declaration of Danielle McKenzie and the exhibit attached thereto;

[PROPOSED] ORDER GRANTING THE
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INJUNCTION

1 4. The Declaration of Benjamin Roesch and the exhibits attached thereto;

2 5. _____;

3 6. _____;

4 7. _____;

5 8. _____;

6 9. _____;

7 10. _____.

8 It is therefore ORDERED that the State of Washington's Motion for Temporary
9 Restraining Order is GRANTED. This Temporary Restraining Order is issued on December
10 11, 2013 at _____ p.m.

11 The Court FINDS that absent this Order, irreparable injury will be incurred by
12 Washington consumers who are solicited by, and make contributions to, Kures 4 Kids.
13 Because most donations made to Kures 4 Kids are in cash, there is no practicable way to
14 restore contributions to consumers, making the injury irreparable. The Court further finds
15 that counsel for the State of Washington provided oral notice of, and an email confirming,
16 the State's intention to seek this order to Kures 4 Kids on the afternoon of December 10,
17 2013. No further notice is required because (a) members of the public will be irreparably
18 harmed if Kures 4 Kids is not restrained from soliciting, (b) Kures 4 Kids' multiple violations
19 of the Charitable Solicitations Act are clearly shown by declarations of several witnesses and
20 the attached exhibits, (c) Kures 4 Kids is currently in non-compliance with its obligation
21 under RCW 19.09.210 to produce its financial statement and record, as requested by the
22 Attorney General's Office on November 21, 2013, despite the requirement of RCW
19.09.200 that these records be kept available at its place of business and follow-up
communications from the Attorney General's Office on December 5 and 9, 2013, and (d)

1 counsel for Kures 4 Kids and the Gannons represented to the Attorney General's Office that
2 his clients did not object to entry of a temporary restraining order.

3 The Court further FINDS that Kures 4 Kids has violated and is currently in violation
4 of the Charitable Solicitations Act, RCW 19.09. Violations include the following:

- 5 • Kures 4 Kids has failed to register with the Secretary of State as a commercial
6 fundraiser, in violation of RCW 19.09.065 and RCW 19.09.079.
- 7 • Kures 4 Kids has failed to register and file with the Secretary of State its contracts
8 with commercial fundraisers, in violation of RCW 19.09.097.
- 9 • Kures 4 Kids' paid solicitors represent and imply to members of the public, while
10 soliciting contributions, that they are volunteers, in violation of RCW
11 19.09.100(7)(b).
- 12 • Kures 4 Kids brochures, which it distributes to members of the public, fail to include
13 statutorily required disclosures, in violation of RCW 19.09.100(4).
- 14 • Kures 4 Kids' website fails to include statutorily required disclosures, in violation of
15 RCW 19.09.100(4).

16 The Court CONCLUDES that Washington Consumers have a clear legal and
17 equitable right to be free of unfair or deceptive acts or practices, RCW 19.86.020, including
18 without limitation acts or practices in violation of the Charitable Solicitations Act, RCW
19 19.09. A charitable organization and commercial fundraiser must comply with all provisions
20 of the Charitable Solicitations Act as a condition of conducting solicitation activities. RCW
21 19.09.100(12). As noted above, the State of Washington had a well-grounded fear of
22 immediate invasion of consumers' legal rights Kures 4 Kids has failed to comply with all
provisions. In addition, each violation of the Charitable Solicitations Act is a *per se* violation
of the Consumer Protection Act, RCW 19.86. See RCW 19.09.340. This Court has the
authority to enforce RCW 19.09.100(12) to restrain Kures 4 Kids from solicitation due to its

1 statutory noncompliance, and may also restrain Kures 4 Kids from soliciting charitable
2 contributions pursuant to RCW 19.86.080.

3 No security is required for this Temporary Restraining Order because it is issued at
4 the request of the State of Washington. CR 65(c).

5 It is therefore ORDERED that Kures 4 Kids, and all entities or persons acting in
6 concert with them, including but not limited to owners, directors, officers, employees,
7 volunteers, independent contractors, and any other solicitor, are restrained from any and all
8 solicitation and/or acceptance of charitable contributions in Washington State, whether oral,
9 telephonic, written, electronic, or otherwise.

10 It is further ORDERED that Kures 4 Kids shall immediately take down its website,
11 www.kures4kids.org, and cease accepting contributions through that website. Upon request
12 from the State of Washington or Kures 4 Kids, the internet service provider ("ISP"), domain
13 host, or any other provider of web-related services to Kures 4 Kids shall discontinue such
14 service while this Temporary Restraining Order is effective.

15 It is further ORDERED that a hearing to show cause why a preliminary injunction
16 should not issue against Kures 4 Kids shall be held on December 24, 2013, at
17 8:30 a.m. in the courtroom of the Honorable Judge Susan Amini,
18 King County Superior Court Judge.

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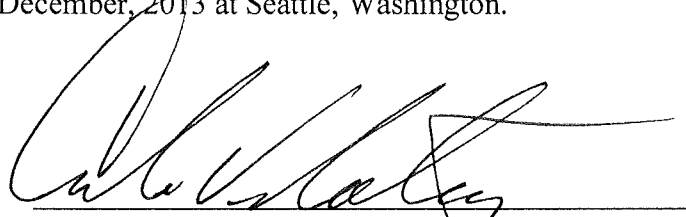
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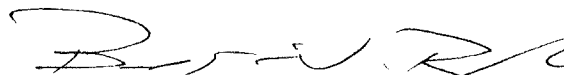
1 This Temporary Restraining Order shall expire 14 days after its issuance, unless it is
2 extended for good cause shown.

3 DATED this 11 day of December, 2013 at Seattle, Washington.

4 
5
6 King County Superior Court Judge/Commissioner

7 Presented by:

8 ROBERT W. FERGUSON
9 Attorney General

10 
11 BENJAMIN J. ROESCH, WABA #39960
12 SARAH A. SHIFLEY, WSBA #39394
13 Assistant Attorneys General
14 Attorneys for Plaintiff, State of Washington
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